

**IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TENNESSEE**

MALCOLM HUCKINS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:22-CV-256
)	JURY DEMAND
PUBLIX SUPER MARKETS, INC.,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Please take notice that the Defendant, Publix Super Markets, Inc., hereby removes Court Case No. 22C891 from the Circuit Court for Hamilton County, Tennessee, and states as follows:

1. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

2. On or about August 26, 2022, Plaintiffs filed a Complaint against Defendant in the Circuit Court for Hamilton County, Tennessee. On or about September 15, 2022, a copy of the Complaint filed in the Circuit Court for Hamilton County, Tennessee was served on Publix Super Markets, Inc. through Publix Super Markets Inc.'s registered agent, Corporate Creations Network, Inc., and thereafter forwarded to Publix Super Markets, Inc. at its offices in Lakeland, Florida, where it was received on September 16, 2022.

3. Said Complaint sets forth a claim for medical expenses in an amount "not less than \$100,000," and for other compensatory damages of "not less than \$750,000."

4. Upon information and belief, Plaintiff is a citizen and resident of Tennessee. The Complaint specifically alleges that Plaintiff is a resident of Tennessee.

5. Publix Super Markets, Inc. is a Florida Corporation with its principal place of business at 3300 Publix Corporate Parkway, Lakeland, Florida 33802.

6. This Court has original jurisdiction of this case pursuant to 28 USC § 1332 because there is complete diversity of citizenship between Plaintiffs and Defendants, and the amount in controversy for the claims against the Defendant is in excess of \$75,000.00.

8. Pursuant to 28 USC § 1446(a), copies of all process, pleadings, and orders served upon or by the Defendants are attached hereto as collective Exhibit A. No other process, pleadings, or orders have been served upon or filed by the Defendants, and there have been no further proceedings involving the Defendants in the Circuit Court for Hamilton County, Tennessee as of this date.

9. Pursuant to 28 USC § 1446(b), this Notice of Removal is being filed within thirty (30) days of the Defendants' first receipt, by service or otherwise, of a copy of the initial pleading setting forth claims for relief against it upon which the State Court proceeding is based, and is therefore timely filed.

10. Pursuant to 28 USC § 1441(a), the United States District Court for the Eastern District of Tennessee is the Federal District Court for the district and division embracing the place where the State Court suit is pending.

11. Pursuant to 28 USC § 1446(d), all adverse parties are being provided with written notice of the filing of this Notice of Removal.

12. Pursuant to 28 USC § 1446(d), a copy of this Notice of Removal is being filed with the Clerk of the Circuit Court for Hamilton County, Tennessee.

WHEREFORE, Publix Super Markets, Inc., removes this case from the Circuit Court for Hamilton County, Tennessee to this Court.

Respectfully submitted,

WATKINS & McNEILLY, PLLC

/s/ Steven D. Parman

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been sent by U.S. Mail, postage prepaid, and email to C. Allen Yates, Esq., Yates and Wheland, 412 Georgia Avenue, Suite 102, Chattanooga, TN 37403, ay@ywlawyers.com, Attorney for Plaintiff, on this 6th day of October, 2022.

/s/ Steven D. Parman

Steven D. Parman